

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ANNE HARDING, et al.,

Plaintiffs,

V.

COUNTY OF DALLAS, TEXAS, et

al.,

Defendants,

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C.A. NO. 3:15-CV-00131-D

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**PLAINTIFFS' CROSS-MOTION TO DISQUALIFY  
J. GERALD HEBERT FROM TAKING AN ACTIVE ROLE  
BEFORE THE COURT IN THE PRESENTATION OF THIS MATTER**

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The plaintiffs in the above-captioned action (the “Plaintiffs”) ask the Court to disqualify J. Gerald Hebert (“Mr. Hebert”) from taking an active role before the Court in the presentation of this matter (the “Cross-Motion to Disqualify”).

As explained further in the Plaintiffs’ contemporaneously filed brief in support of the Cross-Motion to Disqualify, Mr. Hebert was a central player in the factual core of this litigation: the drawing of the map the Plaintiffs have challenged under the 14<sup>th</sup> Amendment and the Voting Rights Act (the “Enacted Plan” or “EP”). The Defendants’ expert who drew the EP under Mr. Hebert’s supervision has admitted under oath that Mr. Hebert instructed both him and the defendants in this litigation (the “Defendants”) that they *must* draw that map predominantly on the basis of race and that the resulting map *must* assure that the Plaintiffs’ racial minority would have the chance to elect no more than a single Commissioner to the Dallas Commissioners’ Court.

Indeed, uniquely, Mr. Hebert made contemporaneous statements of record on behalf of the Commissioners Court as a whole, rather than on behalf of individual Commissioners.

Given the centrality of Mr. Hebert's involvement, his own admissions, the testimony of others concerning his role in the crafting of the EP, and the apparent certainty that the Defendants will contest the meaning of these admissions and testimony, binding authority requires the Court to disqualify Mr. Hebert from taking an active role before the Court in the presentation of this matter.

**PRAYER**

Accordingly, the Plaintiffs respectfully ask now, as binding authority barred them from doing earlier, that the Court disqualify Mr. Hebert from such participation in this case.

Dated November 13, 2017.

Respectfully submitted,

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COUNSEL TO THE PLAINTIFFS

**CERTIFICATE OF CONFERENCE**

I certify that on I conferred by phone with the Defendants' lead counsel Mr. Chad. Dunn concerning the relief requested in this Cross-Motion to Disqualify on November 13, 2017.

The Defendants oppose this motion.

/s/ Daniel I. Morenoff  
Daniel I. Morenoff

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**CERTIFICATE OF SERVICE**

I certify that on November 13, 2017, I served a copy of this Cross-Motion to Disqualify on all other counsel of record by electronic filing through the Court's CM/ECF system.

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